

Proponent Testimony

**Firefighter Investment
and
Response Enhancement
Act**

Senate Committee on
Commerce, Science, and Transportation

Honorable Senator John McCain
Chairman

July 25, 2000

Prepared and presented by

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BIOGRAPHY

James H. Whitworth

I am James Whitworth, Chief of the Miami Township Fire and Emergency Medical Service. I began my career as a volunteer with the Golf Manor Fire Department in 1973 while working in industry. At the beginning of 1982 I accepted a career position with the Blue Ash Fire Department, remaining with them until 1992, at which time I accepted the Chief's position with Miami Township.

During the past twenty-seven years I have been trained and am currently serving as a Paramedic, Fire Fighter, Fire Safety Inspector, Hazardous Materials Technician, Cardiopulmonary Resuscitation Instructor, Emergency Medical Technician Instructor, Hazardous Materials Awareness Instructor, and Response to Terrorism Instructor. I have held high offices in the Life Safety Services Association of Clermont County, the Northwest Clermont County Rotary Club, the Juvenile Fire Setter Education Council of Clermont County, the Incident Management Assistance Team of Southwest Ohio, Board of Christian Education for the Trinity United Church of Christ, and elder for the Covenant Community Church.

I currently serve as president of the Greater Cincinnati Hazardous Materials Unit, first vice president of the Life Safety Services Association of Clermont County, secretary of the Rotary Club of Northwest Clermont County, member of the Clermont County Communications Advisory

Board, member of the Local Emergency Planning Committee, and member of the Ohio Fire Chief's Association Legislation Committee.

Miami Township, Clermont County, Ohio

Clermont County is the western most Appalachian county in Ohio. As such, it contains a fair number of residents who are in the low-to-moderate income bracket. Miami Township is the exception in that it is rapidly transitioning from an agricultural community into an upper middle income residential community. Miami Township consists of about 32 square miles and 34,000 residents (1990 census = 33.2 Square miles and 28,199 residents). The Township is divided 80 percent residential and 20 percent commercial/retail/light industrial and is bisected by Interstate 275.

Miami Township Fire and EMS

The Miami Township Fire and Emergency Medical Service operates from three stations, making over 3,100 emergency responses annually. The department is staffed with thirty-nine (39) career (1 non-uniformed), thirty-five (35) part time, and eight (8) volunteer employees. This constitutes what is referred to as a "combination department": neither career nor volunteer. All career and most part time employees are cross-trained as both fire fighters and paramedics. Part time employees are scheduled to work on station based on their availability. Many are career employees with other suburban departments. Volunteer positions are

entry level and do not require previously obtained certifications or cross training. The department furnishes their training and uniforms. The volunteers are scheduled to respond from the station, but serve without pay.

A fourth classification used to staff emergency responses, but not utilized by Miami Township, is paid-on-call personnel. They are paid either by the run or by the hour for responding from home to emergencies.

Revenues to support Miami Township's Fire and Emergency Medical Service come primarily from property taxes with a relatively small supplement derived from billing non-residents for emergency medical response. In addition, a tiny amount is available annually (about \$4 million divided among the entire state), through grants from Ohio's Emergency Medical Services Board, for training and equipment.

INTRODUCTION

Increasingly the fire service is the “go to” agency for newly identified needs in the area of public safety. The last twenty to thirty years have seen rapidly increasing involvement in fire prevention, fire investigations, emergency medical care, hazardous materials, natural disaster mitigation, injury prevention, technical rescue, and, most recently, response to acts of terrorism. The fire department is continually asked to be Risk Managers for the community and take responsibility for life, property and environmental safety concerns.

In 1999, James Lee Witt, Director of the Federal Emergency Management Agency, recommissioned *America Burning*. This was in response to a finding that the “indifference with which Americans confront the subject,” which was found by the 1973 Commission to be so striking continues today. According to the Commission, America today has the highest fire losses in terms of both frequency and total losses of any modern technological society.

The 1999 Commission reached two major conclusions:

1. The frequency and severity of fires in America do not result from a lack of knowledge of the causes, means of prevention or methods of suppression. We have a fire "problem" because our nation has failed to adequately apply and fund known loss reduction strategies. Had past recommendations of *America Burning* and subsequent reports been implemented there would have been no need for this Commission. Unless those recommendations and the ones that follow are funded and implemented, the Commission's efforts will have been an exercise in futility.

The primary responsibility for fire prevention and suppression and action with respect to other hazards dealt with by the fire services properly rests with the states and local governments. Nevertheless, a substantial role exists for the federal government in funding and technical support.

2. The responsibilities of today's fire departments extend well beyond the traditional fire hazard. The fire service is the primary responder to almost all local hazards, protecting a community's commercial as well as human assets and firehouses are the closest connection government has to disaster-threatened neighborhoods. Firefighters, who too frequently expose themselves to unnecessary risk, and the communities they serve, would all benefit if there was the same dedication to the avoidance of loss from fires and other hazards that exists in the conduct of fire suppression and rescue operations.

A reasonably disaster-resistant America will not be achieved until there is greater acknowledgment of the importance of the fire service and a willingness at all levels of government to adequately fund the needs and responsibilities of the fire service. The lack of public understanding about the fire hazard is reflected in the continued rate of loss of life and property. The efforts of local fire departments to educate children and others must intensify. Without the integrated efforts of all segments of the community, including city and county managers, mayors, architects, engineers, researchers, academics, materials producers and the insurance industry, as well as the fire service, there is little reason to expect that a proper appreciation of the critical role played by the fire service will materialize, in which case the necessary funding will continue to be lacking.

Losses from fire at the high rate experienced in America are avoidable and should be as unacceptable as deaths and losses caused by drunk driving or deaths of children accidentally killed playing with guns.

The Congress should increase its involvement in fire loss prevention in America, and exercise more fully its oversight responsibilities under the 1974 Act. The Congress should also appropriate for the fire problem appropriate resources commensurate with those it provides to community policing or highway safety.

Crime is considered a national problem receiving attention from the federal government in the form of \$11 billion, while the fire problem is considered a local and state issue receiving federal funds to support the U.S. Fire Administration at \$32 million.

The problem is not just a local one: hazardous material releases cross community, county and state borders, vehicles crash and lives are lost on federal



highways, natural disasters occur without regard to government jurisdictional boundaries, and terrorists strike federal installations. Who responds to these crises? The local public safety services do.

The FIRE Act is among the most important legislative initiatives offered in recent years affecting the fire service. When passed and appropriately funded the FIRE Act will enhance a department's ability to provide an all hazards approach, and not be limited to a partial solution to make America a safer place from fires, accidents and natural disasters.

The following is an attempt to provide insight into local needs that have an impact on the national issues affecting public safety.

THE PROBLEM DEFINED

Staffing

As stated previously the fire service has become the "go to" agency for newly identified needs in the area of public safety. The last twenty to thirty years have seen rapidly increasing involvement in fire prevention, fire investigations, emergency medical care, hazardous materials, natural disaster mitigation, injury prevention, technical rescue, and, most recently, response to acts of terrorism.

Accompanying each emergency response discipline is the need for education and continual retraining to maintain skill levels. In a small combination department like Miami Township's the already limited resources are stretched even thinner. A partial solution is the formation of regional response units like the Federal Emergency Management

Agency's Urban Search and Rescue Team. Miami Township is then obligated to supply far less personnel and resources than it would take to have full responsibility for a unit of this type. However, with the number of regional "teams" needed to respond to hazardous materials incidents, technical rescue incidents, fire investigations, and etc. there is still significant pressure placed on a department's resources.

As mentioned earlier, Clermont County is an Appalachian county. Outside of the three or four western most communities Clermont County consists primarily of agricultural land and residents in the low-to-moderate income bracket. The availability of personnel with the willingness to volunteer to place their lives in danger responding to other people's emergencies, the ability to learn and achieve the necessary certifications, and the time to participate as a volunteer is limited.

In most communities the true volunteer fire fighter or emergency medical technician no longer exists. The vast majority receives some form of compensation – pay-per-call or an hourly wage – to respond to emergencies from home.

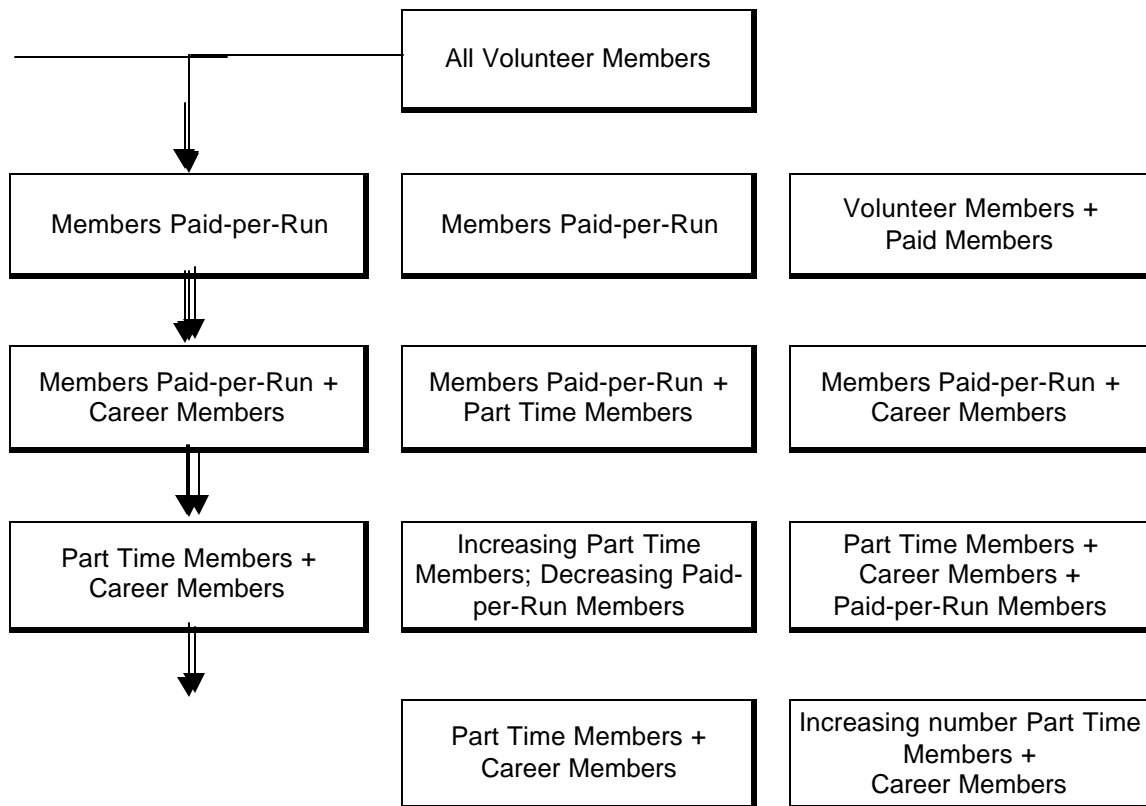
As a rule it is more difficult to find volunteers today that have the time

MTF&EMS Employees	1985	1999
Full Time	18	39
Part Time (on station)	1	35
Volunteer	129	8

to do more than respond to emergencies. Consequently departments struggle with adequate staffing for emergencies as well as fire and injury prevention, hazardous materials, and technical rescue activities. The Insurance Services Office uses 7 volunteers to equal to 1 career

employee. Miami Township's experience is that it takes 3-4 part time employees to equal one career employee. This has resulted in many departments transitioning to part time employees on station, and eventually moving to full time personnel.

The flow chart on the next page illustrates three distinct transition paths identified in the Southwest Ohio area by Chief Stephen Ashbrock of the Indian Hill-Madeira Joint Fire District, while working on his Master's in Public Administration.



Of those few departments who have been able to maintain a significant number of volunteer (paid-on-call) members the common statement heard is that things are "not like they used to be..." Today, departments must compete to hire and retain "volunteers." The competition is among

family, jobs, school, civic organizations, and neighboring departments, to name some. The increasingly technical nature of the fire fighter's job, reflected in increased state requirements for certification for firefighting, and especially EMS, has been included in discussions about the decreased availability of volunteers. In addition, the changing demographics of a community, aging of the residents without an influx of younger citizens willing and able to serve, contributes to the decrease in available volunteers.

According to Chief Ashbrock's research the following chart indicates a significant increase in Career and Part Time fire fighters while the numbers of Paid-on-Call and Volunteer fire fighters diminished.

	1985	1990	1996	% Change
Career	1065	1060	1253	118
Part Time	269	464	715	266
POC/Vol	953	764	580	-40
<i>Totals</i>	<i>2287</i>	<i>2288</i>	<i>2548</i>	<i>111</i>

The above numbers were derived by adding the claimed number of fire fighters on the rosters of the agencies surveyed. The total number of fire fighters, however, is suspect due to career and part time fire fighters having memberships in as many as four departments (One was found on the roster of five departments!). This phenomenon has become increasingly prevalent since about 1985 and, derived from surveys, likely

involves about 15%-25% of the fire fighters locally. With the above issues in mind, Chief Ashbrock's research indicates that there may be about 2,100 fire fighters filling the 2,548 positions. Please note that the 2,100 figure is less than the 1985 estimate of 2,287 fire fighters.

As a result the Southwest Ohio area is experiencing a wage war among departments hiring part time fire fighters and emergency medical technicians. Several of the departments are now paying an hourly wage the same as that earned by their career personnel. Some offer limited health benefits. Also, to be competitive in the employment arena, residency requirements have been relaxed or eliminated. This impacts the ability of a department to recall its members for the "big one" and expect them to respond in a timely manner.

Regulations Affecting Departments

Affecting how departments operate is the myriad of federal and state regulations governing everything from how employees are scheduled to how the department must operate at the scene of an emergency.

In Ohio, Townships may not work part time employees more than 1,500 hours unless they offer them the same health insurance program offered their full time personnel. (Municipalities are not constrained by this or a similar law.) A principal reason to hire part time personnel is to avoid the cost of fringe benefits. Since fire departments have year round, 24 hours per day needs the 1,500 hours is a limiting factor that causes the hiring of more fire fighters to fill the schedule. The costs associated with the

hiring process, outfitting, scheduling and training increase in the face of this requirement.

In 1985 the U.S. Wage and Hour Fair Labor Standards Act was imposed on fire departments, especially those working their personnel on a 24 hours on/48 hours off schedule. Several amendments have refined the regulations, but one still remains that has a serious impact on countywide systems: career personnel may not volunteer during their off duty time for the same department, for that department's volunteer component. Although not a significant issue in Southwest Ohio this regulation has a serious impact on a department's ability to provide adequately staffed services in Maryland and Virginia, to name two areas of which I am aware. This situation creates staffing issues as well as having cost implications.

The Occupational Safety and Health Administration's "2-in/2-out" rule requires that no interior fire fighting take place until there are two personnel on an interior attack hose line and two more on a hose line outside ready to rescue the interior crew, if needed. In addition, there must be a fire ground commander and a pump operator. Most area departments, including Miami Township, staff their first-out apparatus with two or three personnel. That means that fire fighting is delayed until arrival of personnel from another station, or another community under a mutual assistance agreement, or the department invests in increased staffing. While no one argues that this is a safer condition for

those attacking the fire, in the absence of recommended staffing the fire is allowed to grow while waiting for additional troops, which, ironically, makes the building less safe for interior operations. This is a staffing, funding, and service level issue.

On Saturday, July 15, 2000, Miami Township Fire and EMS responded to a fire in the local VFW hall. It began in the eve near the incoming power line due to an electrical short circuit. All occupants were out of the building on our arrival within 4 minutes of the alarm. Flames were showing at the eve and smoke exiting the ridge vent on the roof. Because the first responding pumper had 3 persons on board and a supervisor there were not enough personnel to affect an interior attack. The second pumper arrived about 3 minutes later and the first attack hose was advanced into the building after the rapid intervention (rescue) team was ready outside. While waiting for the rapid intervention team to arrive and assemble the fire was growing rapidly. When the attack team entered the building they had difficulty getting at the seat of the fire due to having to breach two ceilings. The fire continued to grow and by now had extended almost the entire length of the building's common attic. Within 15 minutes the roof collapsed: five minutes after evacuating all interior attack crews.

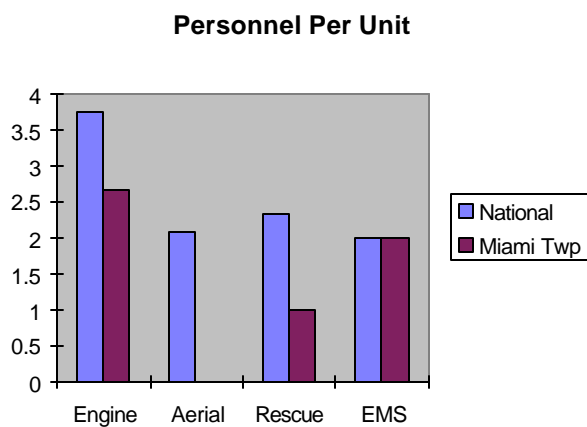
The after-action-analysis suggests that the delay in being able to attack the fire contributed to its spread and the ensuing collapse. Fire grows

exponentially with each passing minute. This was both an OSHA regulation issue and a staffing issue.

In addition, to infection control regulations, OSHA's latest foray into the emergency response field is their proposed ergonomics rule. This, too, will have an impact on how a department conducts business. The small volunteer departments that have no administrative staff will "suffer" the most under the reporting, tracking and training requirements in the proposed ergonomics rule. It will cause additional responsibilities for the already stretched one-person office in Miami Township.

There are many other federal regulations having an impact on a fire department's ability to provide services. These "unfunded mandates" create administrative and financial burdens.

The National Fire Protection Association has promulgated voluntary standards guiding fire departments in how they operate in the multiple disciplines to which they are committed. The NFPA has supported the



establishment of minimum staffing per fire apparatus in recognition of studies citing improvement in extinguishing fires. A study mentioned in the International City and County Managers Association

publication *Managing Fire Services*, cites that "five-person fire

suppression companies were judged to be 100 percent effective in their task performance, four-person companies 65 percent effective, and three-person companies 38 percent effective.” Miami Township affords to have one three-person company and two two-person companies. (The national average was derived from a 1994 study done by the Phoenix Fire Department and information from the International Association of Fire Chiefs.)

Although the standards are voluntary the court system has demonstrated they recognize them as “industry best practices” and holds a department accountable for non-compliance. There is little disagreement that standards are needed to help provide a consistent, effective and efficient service to the community and, many times, to protect us from ourselves. However, as with OSHA regulations, there are serious costs to comply.

Cost of Equipment and Technology

The cost of fire and emergency medical apparatus and equipment has steadily increased over the past 20-30 years. A pumper purchased in the early 1970’s that cost \$40,000 now costs about \$300,000. An ambulance purchased for \$25,000 now costs \$120,000. A defibrillator in the late 1970’s that cost \$9,500 now sells for \$16,000. Technology has driven many of the changes in apparatus and equipment and continues to do so at a rapid pace.

Miami Township Fire and EMS is faced with replacing its forty-year-old radio system with an 800-megahertz trunked radio system. Touted to be state-of-the-art it will cost the community about \$250,000-\$300,000 (assuming the system performs as advertised). This begs the question, will Miami Township receive a benefit equivalent to the cost? I believe not. However, with the Federal Communications Commission shrinking the bandwidth and reassigning the frequencies on which public safety operates there is little choice but to “bite the bullet” and make the change.

Funding

Miami Township Fire and EMS is almost exclusively funded through property taxes. However, in Ohio, property tax millage is rolled back annually to keep the dollar amount fixed for the property owner. This method does not keep pace with inflation. The six permanent tax levies passed in the 70's and 80's, to support Miami Township Fire and EMS, have rolled back to about 55 percent of their original millage. Unless the community is on a reasonably fast growth track this requires going back to the public every few years for increases in property taxes. The irony here is that the greater the growth the greater the impact on public safety services.

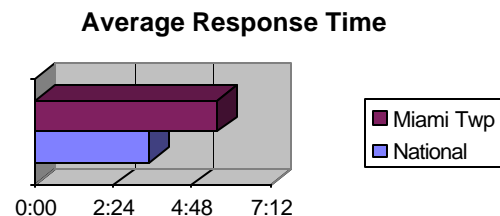
The department receives a small amount of additional revenues through billing non-residents for emergency medical responses (\$65,000 in 1999). Unfortunately, a large portion of this amount is used to offset increased

costs due to local hospitals discontinuing to restock the supplies used on patients delivered to their facility. The Health Care Financing Administration anti-kickback rule has been applied here. Representative Robert Ney has introduced HR 557 to provide a “safe harbor” for those hospitals and EMS units who participate in a restocking program. In addition, a tiny amount (\$15,500 for 2000-2001) is received by annually qualifying for training and equipment grants through the Ohio EMS Board (\$4 million for the entire state).

Ohio offers three other grant programs for its fire services through the Public Utilities Commission Office, Fire Marshal’s office and the Department of Natural Resources. Two of the programs are for communities with populations less than 10,000, and, therefore, do not apply to Miami Township. The PUCO grant targets hazardous materials training. However, if Miami Township submits an application they will be competing against the Clermont County Local Emergency Planning Committee. The Township does get benefit of the training grant through the LEPC, so it was decided not to seek the PUCO money.

Response Times

An important benchmark for determining level of service to the community is response times. The variables having the most impact on response times are station location and career vs. volunteer/paid-on-



call personnel. In Miami Township's case the average response time is a product of station location. There are areas of the community that take up to 10 minutes to reach. (The national average was derived from a 1994 study done by the Phoenix Fire Department and information from the International Association of Fire Chiefs.) A one-year retrospective review of 13,238 incidents in Clermont County revealed an average response time of 7 minutes 59 seconds. Some of the volunteer/ paid-on-call departments in Clermont County have occasional response times as long as 20 minutes.

The American Heart Association issues the only national standard that exists for response times. The AHA recommends that basic life support be delivered in less than four minutes and advanced life support in less than eight minutes.

The Insurance Services Office grades a fire department on its response to structure fires only, but does not issue a standard for performance. Nor does ISO grade any other services the department may offer.

SUMMARY

Over the last several years the fire department has been expected to be the Risk Manager for their community and take responsibility for life, property and environmental safety concerns. The service has demonstrated in most communities that they are equal to the task. However, many lack the tools to produce an effective end product or sustain the effort. If the Fire Service is to continue in this wide-ranging

role, and they are willing and capable of doing so, the federal government will need to provide some of the funding and technical support needed to address these important tasks. This support should be appropriate and “commensurate with those it provides to community policing or highway safety,” as stated by the Commission in *America Burning*, 1999. The \$32 million provided through the U.S. Fire Administration pales in comparison to the \$11 billion funding for criminal justice programs. Ostensibly, the federal funding for criminal justice programs receives support because crime is a national problem. Local departments make responses to crashes and fires on federal highways and at federal installations. Losses due to fires affect the insurance premiums of all citizens across the country. The large losses attributed to fires, in terms of life and property, is not only a national problem, it is a national travesty. Our country should be embarrassed to be among the worst of the industrialized nations, especially in light of its knowledge of fire prevention, its technological capabilities, and wealth.

In addition, the FIRE Act is broad based allowing 90 percent of the proposed funding to be used for equipment, stations, staffing and other life safety programs. This flexibility is essential; as it will help local departments deal with the many federal regulations that require the expenditure of limited funds to comply with the mandates.

The FIRE Act is not a magic bullet. It will take commitment by local departments to deliver the programs, and expend the energy to make the

needed improvements in service delivery. This is a cooperative venture, but hinges on the appropriate level of support from the federal government.

I ask that you approve funding for fire prevention and public safety programs at \$1 billion per year for five years. The fire service has been expert at getting by with whatever it was given. It is now time to fund life safety programs at an appropriate level. You can save countless lives, reduce suffering, and reduce property loss by supporting the FIRE Act. Send a clear message that it is no longer acceptable to ignore public welfare when it comes to fire and life safety issues. I urge you to support the FIRE Act and do what it takes to make it happen.

APPENDIX

Suburban Life^{Northeast}

By Dave Phillips, Editor

& Jason Norman, Reporter

Attracting those to carry a person down a ladder from burning buildings, man the hoses and hydrants or use the jaws of life to extract a critically-injured driver from a mangled wreck is getting more and more difficult.

Some fire departments are understaffed - mostly in the part-time, supplemental area.

Local fire chiefs agree that less than a full contingent creates dangers to the residents they are paid to protect, and the firefighters themselves.

Blue Ash Fire Department Chief James Fehr said the city's department is presently understaffed.

"We're in the process of hiring three full-time people," Fehr said. He also said they're trying to hire more part time people. He said it's become harder to find part-time people.

He said most part-time firefighters work for three or four departments, hoping to latch on full time with one of them. He said one major challenge is keeping part-time workers under the maximum hours they can work. He also said, "We're using full-time people on overtime."

One of the dangers of having an understaffed department, Fehr said, is fatigue. "You create a burnout situation," Fehr said.

Montgomery Fire Chief Paul Wright faces similar problems finding part-time staffers.

"Some of our part-timers work for three or four departments. It has become almost a 'mercenary' pool, so a lot of staffers are not as loyal to one department." Getting someone to fill-in for those who call-in when not coming in to fill a shift creates major problems, Wright said.

"A lot has to do with money. A lot of people can go to work in different occupations and make as much money (as we have to offer)," Wright said. Montgomery starts its part-timers at \$9.74 per hour and then in five incremental raise steps to \$11.35.

Sycamore Township Fire Department Chief B.J. Jetter said his department is presently operating at full-staff. Jetter said his department faces the same strain of part-time staffing. "The part-time program is always an issue," Jetter said. "It's a county-wide issue."

Jetter said he won't allow his department to become understaffed. He said he feels the residents of Sycamore Township are "pretty well taken care of" in terms of fire safety.

Wright says he has a full contingent of nine full-time firefighters/paramedics and his roster of 30 part-timers is also full.

"That gives us five personnel to cover every shift 24 hours per day, seven days a week," Wright said.



The Blue Ash Fire Department is presently understaffed, but they're working on the problem to fill these fire coats.

The Montgomery department also gives its applicants a stiff series of three tests - written, physical and skills.

Otto Huber, assistant fire chief and chief of operations, said the Loveland-Symmes Fire Department is fully staffed with 55 - 50 full-time firefighters/paramedics or firefighters/EMTs and five office staff.

One of the reasons LSFD has a full roster is that Huber, a few years ago, brought together a few chief from area departments, "to discuss like problems - especially staffing - and the Fire Chiefs Consortium was devised," he said.

Besides sharing information with one another concerning an employee's work history, work ethic, etc., the 10 departments that make up the organization save money sharing written and physical ability testing, background checks and medical examinations, said Huber.

Member departments are Anderson, Colerain, Delhi, Green and Sycamore townships in Hamilton County, Mason and West Chester and Union and Miami townships in Clermont County, besides Loveland-Symmes.

"When we went to 100 percent full-time, we corrected a lot of problems," Huber said. "Mercenaries (a term used by most departments for part-timers) don't enter into our picture anymore."

He said that there was an economy to using a resource pool and LSFD still uses it to fill any openings.

Huber went on to explain that all 10 departments' staff is free to chose where they wish to work and there is some transferring.

LSFD pays firefighter/EMTs \$21,000 to start, topping out at \$29,000. Firefighters/paramedics start at \$27,500, with the top salary at \$38,500.

Loveland-Symmes is one of only six fire departments in Ohio to achieve a Class 2 rating from the Commercial Risk Services of the Insurance Services Office and that ranking is rough to maintain - especially as far as full-staffed status is concerned. (There are only 17 Class 1 departments nationwide, none in the Buckeye State.)

This highly trained, nationally accredited department employs a staff of 55 and operates out of four stations located in strategic areas of Symmes Township and Loveland to serve 30,000 residents within 13.8 square miles.

Wright also said the reason for a shrinking pool of part-timers is that some departments are going to a 100 percent full-time department.

"Forest Park recently did away with its part-timers altogether and now has a department with all full-time staffers," he said.

"Where we used to advertise for supplemental staff, we would get 20 or 30 applications," Wright said. "Now we get two or three. I guess every organization that is hiring has the same problem of a shrinking pool of potential employees. It is just our society."

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